

No. 24-2061

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

REALTEK SEMICONDUCTOR CORPORATION,

Appellant,

v.

DivX, LLC,

Appellee.

APPEAL FROM DISTRICT OF DELAWARE
CASE NO. 1:20-CV-01202, JUDGE JENNIFER L. HALL
DIVX, LLC v. LG ELECTRONICS, INC. ET AL.

**APPELLANT REALTEK SEMICONDUCTOR CORPORATION'S
MOTION TO EXTEND THE TIME TO FILE AND SERVE ITS
OPENING BRIEF**

September 9, 2024

Theodore J. Angelis
K&L Gates LLP
925 Fourth Avenue, Suite 2900
Seattle, WA 98104-1158
Phone: +1.206.623.7580
Theodore.Angelis@klgates.com

*Counsel for Appellant Realtek
Semiconductor Corporation*

CERTIFICATE OF INTEREST

Counsel for Appellant Realtek Semiconductor Corporation certifies the following:

1. The full name of every entity represented by us is:

Realtek Semiconductor Corporation

2. The name of the real party in interest for the entity. Do not list the real parties if they are the same as the entities.

None/Not Applicable

3. Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities.

None/Not Applicable

4. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

Jason A. Engel (K&L Gates LLP), Matthew B. Goeller (K&L Gates LLP), Robert J. Benson (Baker Botts LLP), and Christopher J. Higgins (Orrick, Herrington & Sutcliffe LLP).

5. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).

Realtek Semiconductor Corporation v. ITC
(Fed. Cir. No. 23-1095)

6. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

None/Not Applicable

Dated: September 9, 2024

Respectfully submitted,

K&L GATES LLP

By: /s/ Theodore J. Angelis

Theodore J. Angelis

K&L Gates LLP

925 Fourth Avenue, Suite 2900

Seattle, WA 98104-1158

Phone: +1.206.623.7580

Fax: +1.206.623.7022

Theodore.Angelis@klgates.com

*Counsel for Appellant Realtek
Semiconductor Corporation*

Pursuant to Fed. R. App. P. 26(b) and Fed. Cir. R. 26(b), Appellant Realtek Semiconductor Corp. (“Realtek”) hereby moves to extend, by 30 days, the deadline for filing and serving its opening brief. Realtek’s opening brief is currently due on September 9, 2024, and the requested extension would extend that deadline to October 9, 2024.

Realtek requests a 30-day extension for filing and serving its opening brief because Realtek’s counsel was involved in international travel in July, August, and September and has had numerous competing obligations in other matters. As set forth in the subjoined declaration, Realtek’s counsel was traveling internationally between July 24 and August 10 on a family vacation. Realtek’s counsel also took an additional trip with family in early September. In addition, Realtek’s counsel has had competing obligations in several other cases, including motions practice in *Intercurrency Software LLC v. Foris DAX Asia Pte. Ltd.*, Case No. 2:23-cv-361 (E.D. Tex.); detailed settlement efforts in *ACQIS LLC v. Quanta Computer Inc.*, No. 6-23-cv-00265 (W.D. Tex.); deposition preparation in *Bastion Health Operations, LLC et al. v. Seva Medical, PLLC*, No. 24-2-00998-1 SEA (Wash. Super. Ct.), and appeal preparation in *3S Network, Inc. v. Zenisco, Inc. et al.* (No. 19-2-34369-9 SEA (Wash. Super Ct.).

Previous Extensions: Realtek has not sought or received any extensions of the deadline for its opening brief.

Statement of Consent: Realtek contacted Appellee DivX, LLC about this request, and DivX opposes a 30-day extension but does not oppose a 14-day extension so long as Realtek does not oppose a 14-day extension for DivX. Realtek does not oppose either a 14-day or 30-day extension for DivX.

Dated: September 9, 2024

Respectfully submitted,

K&L GATES LLP

By: /s/ Theodore J. Angelis

Theodore J. Angelis
K&L Gates LLP
925 Fourth Avenue, Suite 2900
Seattle, WA 98104-1158
Phone: +1.206.623.7580
Fax: +1.206.623.7022
Theodore.Angelis@klgates.com

*Counsel for Appellant Realtek
Semiconductor Corporation*

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A), because it contains 238 words, excluding parts of the motion exempted by Fed. R. App. P. 32(f), Fed. Cir. R. 32(b)(2), and/or Fed. R. App. P. 27(d)(2)(A).

This motion complies with Fed. R. App. P. 27(d)(1)(E), because it complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6), because it has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman 14-point font.

Dated: September 9, 2024

Respectfully submitted,

K&L GATES LLP

By: /s/ Theodore J. Angelis
Theodore J. Angelis
K&L Gates LLP
925 Fourth Avenue, Suite 2900
Seattle, WA 98104-1158
Phone: +1.206.623.7580
Fax: +1.206.623.7022
Theodore.Angelis@klgates.com

*Counsel for Appellant Realtek
Semiconductor Corporation*

No. 24-2061

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

REALTEK SEMICONDUCTOR CORPORATION,

Appellant,

v.

DivX, LLC,

Appellee.

APPEAL FROM DISTRICT OF DELAWARE
CASE NO. 1:20-CV-01202, JUDGE JENNIFER L. HALL
DIVX, LLC v. LG ELECTRONICS, INC. ET AL.

**DECLARATION OF THEODORE J. ANGELIS IN SUPPORT OF
APPELLANT REALTEK SEMICONDUCTOR CORPORATION'S
MOTION TO EXTEND THE TIME TO SUBMIT REALTEK'S OPENING
BRIEF**

September 9, 2024

Theodore J. Angelis
K&L Gates LLP
925 Fourth Avenue, Suite 2900
Seattle, WA 98104-1158
Phone: +1.206.623.7580
Theodore.Angelis@klgates.com

*Counsel for Appellant Realtek
Semiconductor Corporation*

DECLARATION OF THEODORE J. ANGELIS

I, Theodore J. Angelis, declare:

1. I am an attorney with K&L Gates LLP and counsel for Realtek Semiconductor Corp. (“Realtek”) in Appeal No. 24-2061. I am over the age of 18 and otherwise competent to make this declaration. This declaration is based on my personal knowledge.

2. Realtek has respectfully requested a 30-day extension of the deadline to submit its opening brief.

3. During the period this appeal has been docketed, I have been away from the office for an extended period of time and also have been busy in several matters that have required the great majority of my attention.

4. I traveled to Europe for a long-planned family vacation between July 24 and August 10. I also traveled to Canada with family during the first week in September.

5. I also have had competing obligations in several other cases, including motions practice in *Intercurrency Software LLC v. Foris DAX Asia Pte. Ltd.*, Case No. 2:23-cv-361 (E.D. Tex.); detailed settlement efforts in *ACQIS LLC v. Quanta Computer Inc.*, No. 6-23-cv-00265 (W.D. Tex.); deposition preparation in *Bastion Health Operations, LLC et al. v. Seva Medical, PLLC*, No. 24-2-00998-1 SEA

(Wash. Super. Ct.), and preparation of an appeal in *3S Network, Inc. v. Zenisco, Inc. et al.* (No. 19-2-34369-9 SEA (Wash. Super Ct.).

8. Accordingly, I respectfully believe that there is good cause to extend the deadline for Realtek's opening brief for 30-days.

9. I contacted counsel for Appellee DivX, LLC about this request, and DivX opposes a 30-day extension but does not oppose a 14-day extension so long as Realtek does not oppose a 14-day extension for DivX. Realtek does not oppose either a 14-day or 30-day extension for DivX.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 9, 2024

/s/ Theodore J. Angelis

Theodore J. Angelis